

**REMARKS**

This paper is filed in response to the final office action mailed on December 29, 2003. Claims 16-17 have been allowed; claims 1-17 remain pending.

Independent claims 1, 5 and 10 and their respective dependent claims remain rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,643,086 ("Alcorn") or under 35 U.S.C. § 103 as being obvious in view of Alcorn.

In response, independent claims 1, 5 and 10 have been amended to clarify the fact that the decrypted code is used to control the operation of the gaming device during play of the device. Support for these amendments appear in the original specification as filed in paragraph no. 38 on page 13, paragraph no. 52 on pages 17-18 and paragraph no. 61 on pages 20-21. No new matter is added thereby.

With claims 1, 5 and 10 as presently amended, Alcorn cannot serve as an anticipating reference under M.P.E.P. § 2131,

[t]o anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Citing, Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

As stated previously during the prosecution of this application, Alcorn is directed toward a hash function which cannot be used to reversibly encrypt operational code used during the operation of the gaming machine. The Alcorn has function is used either before or after a game is played, or during periodic audits performed on gaming machines.

Specifically, at column 2, lines 32-36, Alcorn states that its authentication is carried out prior to commencement of game play. At column 3, lines 18-21, Alcorn states that its authentication program is carried out when data is transferred from the mass storage device to the main memory of the system. At column 4, lines 16-19, Alcorn clearly states that game play is permitted only after the authentication program has been performed. At

column 4, lines 45-48, Alcorn clearly states that use of the game is prohibited if the authentication process does not result in a match.

In contrast, claims 1, 5 and 10 all recite reversibly encrypted operational code that is decrypted and used during the operation of the gaming device by a player. Alcorn does not teach or suggest this concept and therefore cannot serve as an anticipating reference and, accordingly, the § 102 rejection is improper under the guideline set forth in M.P.E.P. § 2131.

With respect to the obviousness rejections based upon Alcorn, applicant respectfully submits that these rejections are improper as well. Specifically, M.P.E.P. §§ 2142 and 2143 require that the prior art reference "must teach or suggest all of the claim limitations." Alcorn in no way teaches or suggests carrying out an authentication program during the playing of a game. No secondary reference of record teaches or suggests this concept either.

Accordingly, applicant respectfully submits that the obviousness rejections based upon Alcorn are also improper and should be withdrawn.

With all § 102 and § 103 rejections being traversed, applicant respectfully submits that this application is in a condition for allowance and an early action so indicating is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

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By: \_\_\_\_\_

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